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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 MARTIN OSEGUERA-CHAVEZ, MARIA
14 OSEGUERA-LOPEZ, MARIA D.S.
15 OSEGUERA-OSSEGUERA, RIGOBERTO
16 GARCIA JR., BALDEMAR HUERTA-
17 GALVAN, ALBERTO ROSALES-TORRES,
18 ERIKA OSEGUERA-OSSEGUERA,
19 ROSALINDA OSEGUERA-LOPEZ, DOUG
20 ALFONSO, RIGOBERTO FARIAS-
21 CONTRERAS, DANIEL CAMARENA,
22 MIGUEL MORA-ESQUIVEL, HAROLD
23 WESLEY MORELAND, GABRIELA
24 LUDMILA SAFR, CRESCENCIANO
25 YANEZ-BUCIO, BERNARDO SALAZAR-
26 PONCE, MANUEL SANDOVAL-
27 VILLANUEVA, a.k.a. Macario Anaya-Seja,
28 JUAN PABLO RINCON-LOPEZ,
FRANCISCO FARIAS-GUTIERREZ, JUAN
ANTONIO TREJO-PEREZ, GREGORIO
GOMEZ-LOPEZ, JUAN TREJO-PEREZ,
EDUARDO MARTINEZ, JUAN ANTONIO
MOLINA-ABARCA, LEONEL
BARRAGAN-ROJAS, and JOSE ALBERTO
BENITEZ-CANO,

Defendants.

Case No. CR09-5452RJB

PROCEDURAL AND
SCHEDULING ORDER

27 This matter comes before the court as a result of a status conference for procedural planning, held
28 on August 14, 2009. All counsel who have appeared were either present in person or by proxy, and

1 discovery coordinator Russell Aoki was also present. The court discussed with counsel all of those matters
2 listed in the Order Re: Status Conference (Dkt. 163). As a result of the conference, the court now makes
3 the following orders;

- 4 1. All pleadings filed by any party shall be served on all counsel who have appeared in the
5 case.
- 6 2. All defense motions filed that may affect other defendants will be deemed to be filed on
7 behalf of all defendants, and the court will deem that all defendants join in such motions,
8 provided, however, that defendants may opt out of joinder in such motions by filing a
9 pleading to that effect.
- 10 3. There is substantial discovery involved in this case, which includes hundreds of hours of
11 wiretaps, many of which are in Spanish. While discovery is well underway, Mr. Aoki
12 reports that he estimates at least two months before all discovery is delivered to all parties
13 and discovery issues are finalized. Furthermore, it may be necessary for individual
14 defendants to seek translation of material delivered to the defense without English
15 translations. It is also anticipated that there may be a substantial number of motions filed on
16 a variety of issues, some of which will likely necessitate evidentiary hearings.
- 17 4. It appeared from the discussion that, due to the complex nature of the case and the number
18 of defendants, the defense needs additional time to explore issues of some complexity,
19 including all relevant issues and defenses applicable to the case, which would make it
20 unreasonable to expect adequate preparation for pretrial proceedings, or for trial itself,
21 within the time limits established by the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(B)(ii).
22 Assuming the exercise of due diligence by all concerned, a continuance is necessary to allow
23 the defendants reasonable time for effective preparation of their defenses. 18 U.S.C.
24 3161(h)(7)(B)(iv).
- 25 5. The pending Motion to Continue (Dkt. 144) is GRANTED. The ends of justice served by
26 granting this continuance and setting the dates below outweigh the best interests of the
27 public and the defendants in a more speedy trial. 18 U.S.C. 18 U.S.C. 3161(h)(7)(A).

1 Furthermore, proceeding to trial without adequate time for the defense to prepare would
2 result in a miscarriage of justice. 18 U.S.C. 3161(h)(7)(B)(i).

3 Accordingly, and with the complexity of discovery and motions practice in mind, the court now
4 makes the following scheduling order:

5 Deadline for Filing Motions: November 6, 2009

6 Motion Hearings and Evidentiary Hearings on motions
7 (and omnibus hearing) to begin on: December 7, 2009

8 Pretrial conference set for: January 8, 2010

9 Trial to begin: January 19, 2010

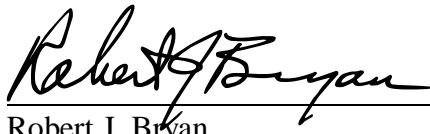
10 **IT IS SO ORDERED.**

11 It is

12 **FURTHER ORDERED** that the foregoing order is without prejudice to individual defendant's
13 rights to move to reset deadlines, and dates, or for severance.

14 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
15 party appearing *pro se* at said party's last known address.

16 DATED this 17th day of August, 2009.

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18 Robert J. Bryan
19 United States District Judge
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